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PTO/SB/01A (10-00).

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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 10/072,813, filed on February 8, 2002,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

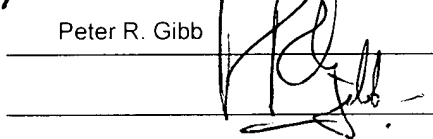
### FULL NAME OF INVENTOR(S)

Inventor one: David P. Wilkinson

Signature: 

Citizen of: Canada

Inventor two: Peter R. Gibb

Signature: 

Citizen of: Canada

Inventor three: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Additional inventors are being named on \_\_\_\_ additional form attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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EXPRESS MAIL NO. EV064839486US

PTO/SB/81 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**ELECTION AND POWER OF  
ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	10/072,813
Filing Date	February 8, 2002
First Named Inventor	David P. Wilkinson
Group Art Unit	
Examiner Name	
Attorney Docket Number	130109.447C1

I hereby appoint:

☒ Practitioners at Customer Number

OR

☐ Practitioner(s) named below:



00500

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Firm or  
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

☒ As assignee of record of the entire interest hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor

**SIGNATURE of Applicant or Assignee of Record**

Name	Noordin S.K. Nanji – Vice-President, Strategic Development
Signature	
Date	May 15, 2002
Name	Charles Stone – Vice President, Advanced Materials
Signature	
Date	May 15, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/96 (08-00)

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: David P. Wilkinson et al.

Application No./Patent No.: 10/072,813 Filed/Issue Date: February 8, 2002

Entitled: ELECTROCHEMICAL FUEL CELL WITH AN ELECTRODE HAVING AN IN-PLANE NONUNIFORM STRUCTURE

Ballard Power Systems Inc.

(Name of Assignee)

a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

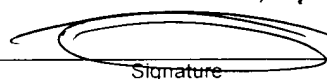
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be  
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records  
of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

May 15, 2002  
Date

Noordin S.K. Nanji

Typed or printed name



Signature


Vice-President, Strategic Development

Title

May 15, 2002  
Date

Charles Stone

Typed or printed name



Signature

Vice President, Advanced Materials

Title

**COPY**

EXPRESS MAIL NO. EV064839486US

ASSIGNMENT

WHEREAS, we,

Name	Post Office Address	
David P. Wilkinson	1391 Coleman Street, North Vancouver, BC, CANADA V7K 1W4	; and
Peter R. Gibb	3151 Plimsoll Street, Coquitlam, BC, CANADA V3C 3X7	,

(hereinafter referred to as ASSIGNORS), having post office addresses as listed above next to our names, are the joint inventors of an invention entitled

ELECTROCHEMICAL FUEL CELL WITH AN ELECTRODE  
HAVING AN IN-PLANE NONUNIFORM STRUCTURE

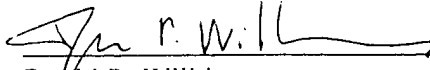
as described and claimed in the specification for which an application for United States letters patent was filed on February 8, 2002, and assigned Application No. 10/072,813. This application is a continuation of U.S. Application No. 09/198,323 filed November 24, 1998.

WHEREAS, Ballard Power Systems Inc. (hereinafter referred to as ASSIGNEE), a Canadian corporation having a place of business at 9000 Glenlyon Parkway, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to said invention, this application, and any Letters Patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer

and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

29<sup>th</sup> April 2002  
Date

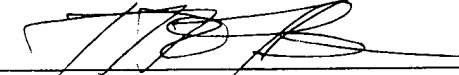
  
David P. Wilkinson

City of Burnaby)  
)  
Province of British Columbia)

ss.

I certify that I know or have satisfactory evidence that David P. Wilkinson is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 29 April 2002

Signature of Notary Public 

Printed Name TANYA J ROTHE

My appointment is for life

2002 May 03.  
Date

BURNABY.  
City of

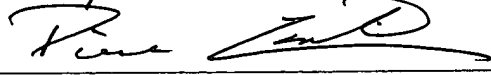
British Columbia  
Province of

  
Peter R. Gibb

ss.

I certify that I know or have satisfactory evidence that Peter R. Gibb is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated May 3, 2002

Signature of Notary Public 

Printed Name Pierre Cantin

My appointment expires is For life